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TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. 418.

THE UNITED STATES, APPELLANTS,

vs.

ANDREW M. ROSS, ADMINISTRATOR OF ISAAC W. MORRELL.

APPEAL FROM THE COURT OF CLAIMS.

FILED DECEMBER 17, 1870.

SUPREME COURT OF THE UNITED STATES.

No. 418.

THE UNITED STATES, APPELLANTS,

vs.

ANDREW M. ROSS, ADMINISTRATOR OF ISAAC W. MORRELL.

APPEAL FROM THE COURT OF CLAIMS.

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Petition.

United States Court of Claims.

ANDREW M. ROSS, ADMINISTRATOR OF ISAAC W. MORRELL,
vs.
THE UNITED STATES.

To the honorable the United States Court of Claims:

Your petitioner, Andrew M. Ross, of Savannah, Ga., administrator of Isaac W. Morrell, late of Savannah, Georgia, deceased, respectfully shows to your honors:

That, in the month of December, 1864, at the time of the capture of Savannah by General Sherman, the said Isaac W. Morrell was possessed of forty bales of Sea Island cotton, of his own property, which were stored in his own warehouse in Broughton street, Savannah, Georgia.

The said cotton was, in the month of December aforesaid, captured by the Army of the United States, under the command of General Sherman, and was thereafter turned over to an authorized agent of the Treasury Department, and was forwarded to New York City, and was there sold and the proceeds thereof placed in the Treasury of the United States to an amount of which your petitioner is not informed, but which he believes to have been not less than twelve thousand dollars, after deducting all lawful expenses attending the disposition thereof.

Your petitioner further shows that the said Isaac W. Morrell died on or about the 23d day of January, 1865, and that administration of his personal estate was, by the court of ordinary of Chatham County, Ga., granted to your petitioner, and he annexes hereto, a certificate thereof, marked Exhibit A.

2 Your petitioner further shows that the said J. W. Morrell was the owner of said cotton, and that your petitioner is justly entitled to the proceeds thereof under the 3d section of "An act to provide for the collection of abandoned property," &c., approved March 12, 1863, (12 Stat., 820); and that neither he nor your petitioner ever gave any aid or comfort to the rebellion against the Government of the United States.

And your petitioner claims the nett proceeds of said cotton in this suit.

ANDREW ROSS,
Adm'r Estate of J. W. Morrell.

CARLISLE & MCPHERSON,
Attorneys for Plaintiffs, Washington, D. C.

STATE OF GEORGIA,
County of ————:

Before the undersigned, Amherst W. Stone, U. S. commissioner, personally appeared Andrew M. Ross, and signed the foregoing petition and made oath according to law that no transfer or assignment of the claim in the said petition stated, or of any part thereof, or interest therein has been made; that he, as administrator, is justly entitled to receive the amount therein claimed from the United States, after deducting all just credits and offsets, and that he believes the facts stated in the said petition to be true.

AMHERST W. STONE,
U. S. Commissioner.

EXHIBIT A.

By the honorable the court of ordinary for the county of Chatham, in the State aforesaid, to Andrew M. Ross:

Whereas, Isaac W. Morrell, late of the county and State aforesaid, deceased, died intestate, having whilst he lived, and at the time of his death, divers goods, chattels, and credits, within the county and State aforesaid, by means whereof the full disposition and power of granting the administration of all and singular the goods, chattels, and credits, of the said deceased, and also auditing the accounts, calculations and reckonings of the said administration, and a final dismission of the same, to this court is manifestly known to belong: I, desiring that the goods, rights, and credits of the said deceased, may be well and truly administered, converted, and well disposed of, do hereby grant unto the said Andrew M. Ross, full power by the tenor of these presents, to administer the goods, chattels, and credits, of the said deceased, which to him in his lifetime, and at the time of his death, did belong; and to ask, levy, sue for, recover and receive the same; and to pay the debts in which the deceased stood obliged, so far forth as his goods, chattels, and credits, will extend, according to their rate and order of law; being first sworn on the holy evangelists of Almighty God, to make a true and perfect inventory thereof, and to exhibit the same into the court of ordinary aforesaid, in order to be recorded, on or before the first day of April next ensuing, and to render a just and true account, calculation, and reckoning of said administration, when thereunto required: And I ordain, depute, and constitute you, the said Andrew M. Ross, administrator of all and singular the goods, chattels, and credits of said deceased.

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Witness the Honorable Dominick A. O'Byrne, ordinary for Chatham County, this eighth day of January, in the year of our Lord, one thousand eight hundred and sixty-six.

DOMINICK A. O'BYRNE,
O. C. C.

(Endorsed:) Georgia, Chatham County. U. S. int. rev. stamps, $27 00, on original letters.

ORDINARY'S OFFICE,
Chatham County, State of Georgia,

I, William J. Clements, deputy clerk of the court of ordinary of Chatham County, State of Georgia, do hereby certify the within instrument of printing and writing to be a true and faithful copy of the letters of administration granted to Andrew M. Ross, upon the estate of Isaac W. Morrell, late of said county and State, deceased, the same being taken from the records of this office.

In witness whereof I have hereunto set my hand and attached the seal of the court of ordinary at Savannah, in the said county and State, this twentieth day of August, A. D. 1867.

W'M J. CLEMENTS,
Deputy Clerk, C. O. C. C.

4 In the United States Court of Claims, December term, A. D. 1866.

ANDREW M. ROSS, ADM'R OF ISAAC W. MORRELL,
vs.
THE UNITED STATES. } 2897.

And the said defendants, by their solicitor, come and make answer to the petition of the claimant herein; and, not confessing the same, or any part thereof, deny each and every the allegations therein contained, and call for strict proof of the same.

And as to so much of the said petition as sets forth and avers that the said United States are indebted to the said claimant in the sum of twelve thousand dollars, the said defendants say that they are not indebted to the said claimant in the said sum of money, nor any part thereof.

And as to so much of the said petition as avers that the said claimant & his intestate have at all times borne true faith and allegiance to the Government of the United States, and never voluntarily aided, abetted, or given encouragement to rebellion against the said Government, the said defendants deny the said allegation.

E. P. NORTON,
Solicitor for the United States.

And for a further plea to the said petition, the said defendants say that the said claimant ought not to have or maintain his aforesaid action against the said defendants, because they say that the said claimant did not, "within two years after the suppression of the late rebellion, prefer his claim to the proceeds" of the property mentioned and described, in the Court of Claims, as provided by the 3d section of the act of Congress, approved March 12, 1863, and entitled "An act to provide for the collection of abandoned property, and for the prevention of frauds in insurrectionary districts within the United States."

E. P. NORTON,
Solicitor for the United States.

5 In the Court of Claims.

ANDREW M. ROSS, ADM'R OF ISAAC W. MORRELL, dec'd,
vs.
THE UNITED STATES. } 2897.

And now, to wit, 25th of April, A. D. 1870, the court, upon due consideration of the premises, find in favor of the claimant, and do order, adjudge, and decree that the said Andrew M. Ross, adm'r of Isaac W. Morrell, have and recover of and from the United States, the sum of nine thousand two hundred & seventy-one dollars sixty-cents, ($9,271 60.)

By the court.
A true copy of record.

6 In the Court of Claims, Dec. term, 1869.

ANDREW M. ROSS, ADM'R OF ISAAC W. MORRELL,
vs.
THE UNITED STATES. } 2897.

To the Court of Claims:

The defendants hereby make application for the allowance of an appeal to the Supreme Court of the United States from the judgment rendered in this action, of the 25th April, 1870, in favor of the claimant, for the sum of $9,271 60.

May 26, 1870.

ROB'T S. HALE,
Special Counsel of Treasury Dep't.
THOMAS H. TALBOT,
Ass't Att'y Gen'l.

Filed in clerk's office, May 27, 1870.

AT CHAMBERS, 28 *May*, 1870.

Ordered, That the appeal as prayed in the case of Andrew M. Ross, adm'r of Isaac W. Morrell, vs. The United States, 2897, be allowed.

JOSEPH CASEY,
Ch. Justice.

7 In the United States Court of Claims.

ANDREW M. ROSS, ADM'T'R OF ISAAC W. MORRELL, deceased,
vs.
THE UNITED STATES. } No.

The finding of facts, and the conclusions of law on said facts, on which the court founded its judgment.

This cause coming on to be heard the 25th day of April, 1870, before all of the judges of the Court of Claims, the said court finds as matters of fact:

1st. That Andrew M. Ross was duly appointed to administer upon the estate of Isaac W. Morrell, deceased, who was in his life-time a resident of the city Savannah, Georgia.

2ond. That said Isaac W. Morrell departed this life in the month of January, 1866; that in his lifetime, and before, and at the capture of the city of Savannah by the Federal forces, he was the owner of forty-four bales of Sea Island cotton, which were taken from him by the agents and officers of the United States, and converted into money, which was paid into the Treasury of the United States.

8 3rd. That the said Isaac W. Morrell, deceased, did, during the late rebellion, voluntarily remain in the said State of Georgia, from the beginning to the close thereof, but he did not give any aid or comfort to the late rebellion.

Upon the foregoing facts, the court found that the said administrator was entitled to recover the net proceeds of forty bales of Sea Island cotton, and so accordingly adjudge.

By the court.

(Indorsed:) 2897. Andrew M. Ross, adm't'r of Isaac W. Morrell, dec., vs. The United States.

9 In the Court of Claims.

ANDREW M. ROSS, ADM'R OF ISAAC W. MORRELL,
vs.
THE UNITED STATES. } No. 2897.

I, John Randolph, assistant clerk of the Court of Claims, do hereby certify that the foregoing are true transcripts of the pleadings in the above-entitled cause, and the final judgment of the court thereon; of the application of the counsel for the defendants for the allowance of an appeal, as filed in the clerk's office, May 27, 1870, and of the order of Chief Justice Casey, allowing the same; of the findings of fact and the conclusions of law on said facts, on which the court founded its judgment.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at Washington, this 17th day of December, 1870.

[SEAL.] JOHN RANDOLPH,
Ass't Clerk Court of Claims.

(Indorsement on cover:) No. 418. The United States, app'ts, vs. Andrew M. Ross, adm'r of Isaac W. Morrell, dec'd. Court of Claims. Filed 17th December, 1870.

No 477. Live Stock Asso. vs. Crescent City Slaughter House Co.

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Plan Marked "A".

C. C. L. S. & S. H. Co's Buildings

ALGIERS. Line of Rrs. 153 f.



Scale 30 ft. to 1 inch.

Sept. 3rd 69

B. M. Black

A.

7th District Court
No 1883
Live Stock Dealers and Butchers Association
vs
Crescent City Live Stock Landing and Slaughter House Co.
Filed November 29/69
("Signed")

P. O. Axon Dpty
Dept. Clerk.